

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIAFILED
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UNITED STATES OF AMERICA,

Magistrate Docket No. 08 MJ 0761

Plaintiff,

COMPLAINT FOR VIOLATION OF:

v.

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

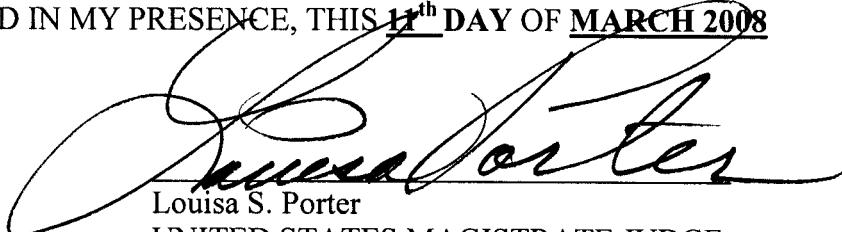
Armando BAHENA-Espinoza,

Defendant

The undersigned complainant, being duly sworn, states:

On or about **March 10, 2008** within the Southern District of California, defendant, **Armando BAHENA-Espinoza**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol AgentSWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 11th DAY OF MARCH 2008
Louisa S. Porter
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Armando BAHENA-Espinoza

PROBABLE CAUSE STATEMENT

On March 10, 2008, at approximately 12:35 AM, Senior Patrol Agent A. Furet Jr., was performing line watch duties in the Imperial Beach Border Patrol Station area of operations. At about that time, was advised via service radio of a seismic activation in an area known as "Clearwater." This area is approximately two miles west of the San Ysidro, California Port of Entry and is approximately 300 yards north of the United States / Mexico International Boundary. After a brief search of the area, Agent Furet encountered two individuals attempting to conceal themselves in the grass.

Agent Furet approached the two individuals, identified himself as a United States Border Patrol Agent, and proceeded to conduct an immigration inspection. Both individuals, including one later identified as the defendant **Armando BAHENA-Espinoza**, admitted to being citizens and nationals of Mexico, illegally present in the United States not in possession of immigration documents that would allow them to be or remain in the United States legally. At approximately 12:40 AM, Agent Furet placed both individuals, under arrest and they were transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on May 22, 2007** through **Calexico, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally.